IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

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CIVIL WRIT NO. 7396 OF 2007.
DATE OF DECISION: MAY 17, 2007.

Ex. Constable Ram Pal No. 409/PKL, son of Shri Sheo Chand, village Badsikri, Police Station Kalayat District Kaithal.

Versus

1. State of Haryana through the Secretary to Govt. Haryana, Home Department, Chandigarh;

2. Director General of Police, Haryana, Sector 6, Panchkula;

3. Inspector General of Police, Ambala Range, Ambala Cantt.

4. Superintendent of Police, Panchkula.

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CORAM: Hon'ble Mr. Justice Ashutosh Mohunta, and
Hon'ble Mr. Justice R.S.Madan.

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Present: Shri C.L.Katyal, Advocate, for the petitioner.

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R.S.Madan, J

By filing the present writ petition under Articles 226/227 of the Constitution of India, the petitioner has craved for the indulgence of this Court for issuance of a writ in the nature of Certiorari for quashing the order dated 29.01.2004 (Annexure P-7), whereby the petitioner was awarded the punishment of dismissal from service and the subsequent orders dated 12.03.2004 (Annexure P-9), 13.09.2004 (Annexure P-10), 4.1.2005 (Annexure P-11) and the order dated 20.12.2005 (Annexure P-12) whereby the appeal, revision and the mercy petition filed by the petitioner were rejected.

The allegations against the petitioner are that while posted in Police Station, Sector 19, Panchkula, on 5.01.2003 he was found absent from duty in the evening roll call. In this regard D.D.E No.24 was recorded

in the roznamcha of the Police Station. The petitioner reported back for duty on 10.01.2003 after remaining absent from duty for 4 days 12 hours and 40 minutes. On 01.02.2003 he was found taking liquor with his relative and reported back for duty on the next day in the morning. At this he was checked by the Station House Officer who found smell of liquor coming from his mouth. Further allegations against the petitioner is that he has been harassing the other members of the Force. He was immediately directed to report for duty in the Police Line and entry D.D.E. No.5 dated 1.02.2003 was made in the D.D.R. register in this respect by SHO SI Jaipal. The petitioner being the member of the disciplined force, regular departmental inquiry was conducted against him for the aforesaid grave misconduct, in which the petitioner was found guilty of the charges framed against him by the enquiry officer. On receipt of the enquiry report Annexure P-6 from the enquiry officer, the punishing authority awarded him the punishment of dismissal from service vide order dated January 29, 2004, Annexure P-7.

Dis-satisfied with the impugned order, the petitioner preferred statutory appeal before the Appellate Authority (Respondent No.3) which was rejected vide order dated March 12, 2004 (Annexure P-9. After the dismissal of the appeal, he filed a revision petition before the Director General of Police, Haryana, who vide order dated September 13, 2004 (Annexure P-10) rejected the revision petition. Thereafter, the petitioner filed Mercy Petition against the punishment of dismissal from service which was also dismissed vide order dated January 04, 2005 (Annexure P-11). After the dismissal of the Mercy Petition, the petitioner again filed Mercy Petition before the Financial Commissioner, Principal Secretary to Government of Haryana, Home Department which was also filed vide order dated 20.12.2005 (Annexurfe P-12).

The learned counsel for the petitioner contended that the

petitioner has not been afforded opportunity by the Inquiry Officer to present his case before him. Therefore, the inquiry itself is vitiated and the same cannot be taken into consideration while awarding him the punishment of dismissal from service.

It is not disputed that all the grounds taken by the petitioner in the present writ petition, have been taken by him while submitting his appeal and revision before the competent authorities who did not find favour with the pleas raised by the petitioner. After having exhausted all the remedies available to the petitioner and having been dealt with by the competent authorities, no ground for interference was noticed by them.

We have gone through the orders of the competent authorities mentioned above and are of the view that the petitioner is not entitled to any relief because his conduct was found to be un-becoming of a public servant. The petitioner being a member of the disciplined force, cannot be allowed to take the advantage of his indisciplined act.

No merits. Dismissed.

(R.S.Madan)
Judge

(Ashutosh Mohunta)
Judge

May 17, 2007.
Malik